

### **REMARKS**

This Response is submitted in reply to the Office Action mailed on November 1, 2005. Claims 1 to 9, 11 to 13, 24, 28 to 35, 37 to 38, and 47 have been amended. No new matter has been added by these amendments.

The Office Action provisionally rejected Claims 1 to 47 under the non-statutory judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 to 128 of co-pending U.S. Patent Application No. 10/237,207 to Peterson in view of U.S. Patent Publication No. 2003/0216162 to Vancura ("Vancura"). Applicants respectfully disagree with this rejection. Nevertheless, a Terminal Disclaimer is submitted herewith as requested in the Office Action.

A Supplemental Information Disclosure Statement is submitted herewith. A Petition for a one-month extension of time to respond to the Office Action is submitted herewith. A check in the amount of \$460.00 is submitted herewith to cover the cost of the Terminal Disclaimer, the Supplemental Information Disclosure Statement, and the one-month extension of time. Please charge deposit account number 02-1818 for any insufficiency of payment or credit for any overpayment.

The Office Action objected to Claims 1, 24, and 47 because of informalities. Applicants have made the appropriate corrections to Claims 1, 24, and 47 as requested by the Office Action. Accordingly, Applicants respectfully submit that the objections have been overcome.

The Office Action rejected Claims 1 to 47 under 35 U.S.C. §103(a) as being obvious over Vancura in view of U.S. Patent No. 6,309,300 to Glavich ("Glavich").

Vancura discloses a gaming device which includes a game, wherein a player receives a number of opportunities to pick selections from a plurality of masked selections. Each of the masked selections is associated with a hidden attribute, such as a credit value award, a multiplier, or a number of additional opportunities. Some of the selections may be associated with more than one attribute. For example, a selection may be associated with both a credit value and a number of additional opportunities. In operation, the gaming device provides the player with an initial number of opportunities

and enables the player to select any one of the masked selections using one of the provided opportunities. The gaming device reveals the attribute associated with the picked selection and awards the revealed attribute to the player. Once a selection is picked and the associated attribute or attributes are revealed, that selection is no longer available for selection (Paragraph [0023]). Since some of the selections are associated with additional opportunities, a player can extend the time spent playing the game by picking those selections that yield extra opportunities. The player continues to pick selections until there are no opportunities remaining in the game.

Glavich discloses a gaming device which includes a bonus game having a plurality of selections which are displayed to a player. Each of the selections is associated with an item, such as a prize amount, a demerit, a number of additional picks, or a multiplier. The player receives an initial number of picks with which to select a certain number of the selections. For each of the provided picks, the player selects one of the selections which has not previously been picked (Col. 6, lines 19 to 20). After the player picks a selection, the gaming device reveals the item (if any) associated with the picked selection. The gaming device then implements the item in the bonus game. For example, if a picked selection is associated with a prize, the gaming device increments the prize total for the bonus game by the associated prize amount. If the picked selection is associated with one or more additional picks, the gaming device increments the number of picks remaining in the bonus game by the appropriate amount. If the selected selection is associated with a multiplier, the gaming device multiplies all of the previously selected items by the multiplier. If a selected selection is associated with a demerit, the gaming device decreases the prize amount by the appropriate amount (Col. 6, lines 36 to 46). The player continues selecting selections until there are no picks remaining.

Amended Claim 1 is directed to a gaming device which includes, among other elements, a game adapted to be displayed to a player and a plurality of award components in the game. The gaming device also includes a plurality of award opportunities, wherein at least one of the award opportunities is an accumulated award opportunity which includes one or more of the award components which are

accumulated during the game by combining any one of the award components to any previously accumulated award components, and wherein the accumulation of the award components is adapted to be displayed to the player. A processor is operable to cause an indication of at least two of the award opportunities including at least one accumulated award opportunity, enable the player to choose one of the indicated award opportunities, and provide the player with the outcome resulting from the award opportunity picked by the player.

The Office Action admits that Vancura does not teach, disclose or suggest displaying the accumulation of a plurality of the components (See Office Action, page 4). The Office Action attempts to remedy the deficiencies of Vancura with Glavich. Specifically, on page 4 of the Office Action, the Office Action states that it would have been obvious to one of ordinary skill in the art at the time of invention to apply displaying the accumulation of the various awards, as taught by Glavich, to the gaming device of Vancura in order to inform the player of the currently obtained awards. Applicants respectfully submit that, regardless of whether it would have been obvious to modify Vancura to include displaying the accumulation of awards, neither Vancura nor Glavich individually, nor the gaming device resulting from the combination of Vancura and Glavich, render obvious (1) an accumulated award opportunity which includes one or more of the award components which are accumulated during the game by combining any one of the award components to any previously accumulated award components, and (2) enabling the player to choose one of the indicated award opportunities.

As discussed above, the player in Vancura may pick a selection associated with two award components (i.e., the selection includes both a credit value and a number of additional picks). However, Vancura does not teach, disclose, or suggest an accumulated award opportunity which includes one or more of the award components which are accumulated during the game by combining any one of the award components to any previously accumulated award components. Rather, the accumulated award opportunity in Vancura causes the player to obtain two award components with one selection. Furthermore, neither Vancura nor Glavich discloses accumulating the award components by combining any one of the award components to any previously accumulated award components. In contrast, Vancura and Glavich each

disclose that, once a selection is picked and its associated award is revealed, that selection is no longer available for selection.

In both Vancura and Glavich, the player may pick any selection as long as that selection has not previously been picked. On the other hand, in the gaming device of amended Claim 1, the processor causes an indication of at least two of the award opportunities including at least one accumulated award opportunity and enables the player to choose one of the indicated award opportunities. Thus, the gaming device of amended Claim 1 limits the player's pick to one of the indicated selections. Accordingly, the gaming device resulting from the combination of Glavich and Vancura would not render obvious (1) an accumulated award opportunity which includes one or more of the award components which are accumulated during the game by combining any one of the award components with any previously accumulated award components, and (2) enabling the player to pick one of the indicated award opportunities. For at least these reasons, Applicants respectfully submit that the combination of Vancura and Glavich does not render obvious amended Claim 1.

Claims 2 to 23 depend directly and indirectly from amended Claim 1 and are also allowable for the reasons given with respect to amended Claim 1 and because of the additional features recited in these claims.

Similar to amended Claim 1, amended Claim 24 is generally directed to a gaming device having, among other elements, a plurality of pairs of award opportunities, wherein at least one of the award opportunities in each pair is an accumulated award opportunity, which includes one or more of the award components which are accumulated during the game by combining any one of the award components with any previously accumulated award components. The gaming device further includes a processor operable to indicate one of the pairs of award opportunities and enable the player to choose one of the award opportunities in the indicated pair of award opportunities.

As described above, neither Vancura nor Glavich individually, nor the gaming device resulting from the combination of Vancura and Glavich, renders obvious (1) an

accumulated award opportunity, which includes one or more of the award components which are accumulated during the game by combining any one of the award components with any previously accumulated award components, and (2) enabling the player to choose one of the award opportunities in the indicated pair of award opportunities. Accordingly, for these reasons and the reasons given with respect to amended Claim 1, Applicants respectfully submit the combination of Vancura and Glavich does not render obvious amended Claim 24.

Claims 25 to 46 depend directly and indirectly from amended Claim 24 and are also allowable for the reasons given with respect to Claim 24 and because of the additional features recited in these claims.

Amended Claim 47 is generally directed to a gaming device having, among other elements, at least one accumulated award opportunity, wherein each accumulated award opportunity includes one or more of the award components which are accumulated during the game by combining any one of the award components to any previously accumulated award components, wherein the accumulation of the award components is adapted to be displayed to the player, and wherein each accumulated award opportunity has an expected average outcome. A triggering event causes an indication of one of the accumulated award opportunities and one of the award opportunities which have a substantially similar expected average outcome. An award is adapted to be provided to the player based on the player selected one of the indicated accumulated award opportunity or the award opportunity.

Neither Vancura nor Glavich individually, nor the gaming device resulting from the combination of Vancura and Glavich, renders obvious a gaming device which includes: (1) at least one accumulated award opportunity, wherein each accumulated award opportunity includes one or more of the award components which are accumulated during the game by combining any one of the award components to any previously accumulated award components, and (2) an award adapted to be provided to the player based on the player selected one of the indicated accumulated award opportunity or the award opportunity. Accordingly, for these reasons and the reasons

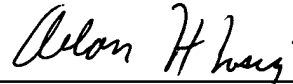
given with respect to amended Claim 1, Applicants respectfully submit the combination of Vancura and Glavich does not render obvious amended Claim 47.

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, Applicants respectfully request that the Examiner contact the undersigned to discuss this Response.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY



---

Adam H. Masia  
Reg. No. 35,602  
Customer No. 29159

Dated: February 14, 2006